

# JUDGE DEFENDS THE JURY SYSTEM

Hon. Mr. Riddell on "Courts and the People"

Jurors Under Oath Better Qualified to Judge Than Outsiders—System Not Perfect.

OTTAWA, Jan. 21.—"The courts and the people" was the title of an address delivered by Mr. Justice Riddell before the Eastern Ontario Live Stock Association here.

In his opening remarks Mr. Justice Riddell said that the press of Toronto had the habit occasionally of good-naturedly jibing him as the farmer judge. He was glad he had been brought up as a farmer boy. "Born and brought up on a Canadian farm," he continued, "and associating all my life with the Canadian farmers, I believe that I know these countrymen of mine; I know that I believe in them, and am proud of them; and the more I meet those of other peoples and occupations, the more that pride is increased."

"They are the mainstay of the nation—and while the heart and brain of the farmer remain sound there is no fear for the future of the land." Continuing, he referred to the manner in which the farmers were ever looking for information on matters of public moment, and it was along this line that he had no doubt been asked to speak on the subject of "The Courts and the People."

In dealing with the matter, he would only attempt to give the plain facts without abridgment, and certainly in no spirit of levity. "Again, it would not be seemly or proper for me, a judge, to appear to get the apologist or justify proceedings or rules. And that I shall not do. What I am to do is to state and explain facts—in some cases perhaps the reasons for such facts—but not to argue that they are right or wrong; and I shall not be drawn into controversy."

## TRAINING IN LAW.

After referring to the good old rule, the simple plan "That they should take who have the power, and they should keep who can," he pointed out that, although this rule was certainly old, it was very far from being good. "The civilization of the people," he said, "depends largely upon the existence of strong and independent courts, and when for any reason the courts become weak or in disrepute, anarchy is not far distant."

After distinguishing between civil and criminal law, he went on to say that it was the boast and pride of the English-speaking people that they were governed by law and not by whim or caprice, and that this law was administered by courts independent and impartial.

Mr. Justice Riddell was rather surprised, considering the very great part that law plays in our society, that the elementary principles of the administration of justice are not made an important part of the curriculum at least of our advanced schools.

The speaker pointed out that the courts had no power in themselves. All they had was derived from the legislature. Judges were public servants, performing duties prescribed for them by the legislature and according to rules laid down for them—which rules they must not disobey. The first legislature which sat in Upper Canada over 200 years ago had instituted the King's bench, and it had continued with few changes ever since.

Our law, he pointed out, was based largely on the "English common law," it being the basis and substructure of our jurisprudence. The English common law was simply the custom which they enforced as rules of conduct, and this English common law was the common heritage of most of the English-speaking peoples. As society progressed and the old rules were found burdensome, the common law was changed by legislation.

## SIMPLIFICATION OF LAWS.

Mr. Justice Riddell next turned his attention to the duties of judges, and dwelt on the complexity which sometimes existed. If a simplification of the laws could be made no one would welcome it more heartily than the judges. One matter he pointed out to impress upon them, that the judges did not make the law. Their sole duty was to find out what the law was.

Dealing with the case of the jury, he said it was the duty of that body to make up their own minds as to what the facts were, and that view must prevail.

"No matter what care is exercised in the selection of jurors, it will occasionally happen that some men are not of sufficient strength of mind to perform satisfactorily what our law demands of them. And sometimes it must be sorrowfully admitted, jurors do not act under a full sense of their responsibility—and so there are miscarriages of justice. Nothing human is perfect, and the administration does not claim perfection—we can only do our best."

Much fault had been found with cross-examination methods, and he knew that in some cases the privilege had been abused. He felt quite certain that the value of evidence given by the witness could only be tested so far as the experience of mankind had gone fully by cross-examination.

Dealing with the Appellate Courts, he pointed out that appeals after all were not so numerous as might be thought. It was true that the matter of appeal, in many cases, redounded to the advantage of the rich man, but the people had the matter in their own hands and could bring in legislation bearing on the subject.

## THE JUDGE'S DUTY.

Mr. Justice Riddell said the opinion had been expressed that it might not be a bad thing if Canada had a written constitution, which would place certain restrictions on the powers of the legislature, but, as it was, they had the power to legislate away anything



MISS INEZ MILHOLLAND, MILES M. DAWSON, LIEUT. TORNEY, LIEUT. E.M. WATSON.

NEW YORK, Jan. 20.—Planked by the United States Coast Artillery, rather by two somewhat embarrassed officers of that branch of the army, Miss Inez Milholland, a Vassar graduate, who has been aiding the striking

shirtwaist makers, swept into the Jefferson Market Police Court to answer to the charge preferred against her and Lieutenant Henry W. Torney of disorderly conduct and causing a crowd to collect. They were paroled by

# EGRO MURDERER KILLED BY POSSE

## Heroic Method to Get Rid of Spoiled Sardines

Breakers' Convention—St. John's Saw the Comet—Thread Trust Closes Down—The Cost of Living.

NEW ORLEANS, La., Jan. 21.—A special from Jackson, Miss., says that Sheriff Hubbard of Simpson county, Miss., and a citizen named Magee were shot and killed by a negro whom they were attempting to arrest near Magee today. When news of the killing of the two men spread, a posse was formed and the negro was run down and killed, it is said, while resisting arrest.

NEW YORK, Jan. 21.—Government aid, korosene and quicklime will be applied by Marshal Henkel and his deputies to 46,000 spoiled sardines shipped here from Lubeck, Maine. Street cleaning department crews will afterward dump what remains of them into the sea.

A court order for the destruction was obtained on complaint of a pure food inspector.

BOSTON, Jan. 21.—William J. Bowen of New York was re-elected for a third term as president of the Bricklayers' and Masons' International Union of the United States and Canada at today's session of the convention held in Ford Hall.

ST. JOHN'S, N. F., Jan. 21.—A comet supposed to be the one recently announced through the Harvard observatory was visible from this island at night in the western horizon. It had

that looked in the nature of an injustice, such as combines or other questions where the rights of the individual are encroached upon. It was, he repeated, the duty of the judge to obey the legislature. Dealing with some flagrant miscarriages of law, the speaker said, in passing: "I have been recently engaged in the law courts more than 25 years, counsel and judge, and I give it as my deliberate opinion that a jury of twelve men in many cases as good a tribunal for determining fact as any other which has ever been devised, and in many cases the best."

Reverting to certain cases, he spoke of the man who was charged with murdering his wife by beating. He was tried and convicted. A new trial was ordered, and, as the man had been drinking, the idea seemed to have gone abroad that the law was laid down that drunkenness was an excuse for crime. This was beside the facts. If the man was so drunk that he did not know what he was doing, it would be an extenuating circumstance. The jury at the second trial took this view of the matter and found the man guilty of manslaughter. Some juries might have thought differently, so might some judges, but the jury had to pass on the evidence upon their oaths, and if they made a mistake it could not be helped. The law, however, had not been altered or modified. Retrovance was also made to the Turner case, and he held that nobody who did not hear all the evidence could not say whether the jury were justified or not. If sentiment had played a part, it was a matter between the jurors and their God.

"We are all, perhaps, too apt to look upon the prisoner in the dock as a quarry, a game animal, and his prosecution as being in the nature of a sport," he said, "and to consider that it is no great matter to anyone but the accused of what he is convicted, or whether he is convicted or not—instead of looking at a trial as a stern and careful enquiry by the people in an offence against themselves, in which it would be as great a failure of justice and as harmful to the people that a guilty man should escape, as that an innocent man should be convicted. And the future of this land, so far as safety to life is concerned, lies in the hands not of the police alone, but largely in the hand of the jurors, for they do their duty that is secure, if not we retrograde into the ranks of an inferior people."

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# FIGHTING TALK IN PUBLIC ACCOUNTS

## Dr. Reid Says Witnesses Perjured Themselves

"Coward," Said Carroll, "Name the Man" He Demands—No Answer.

OTTAWA, Jan. 21.—Just as the public accounts committee was about to adjourn today after hearing further evidence in the Richibucto wharf case, Dr. Reid, of Granville, precipitated a row by declaring that in connection with this case, as had happened on previous occasions, some of the witnesses had committed perjury.

"I believe," he said, "that some of the men whom we have heard have deliberately perjured themselves and I intend to put a stop to it. Perjury should be punished by prosecution, and the Attorney General of the province or by some one else. I intend to report to the purchase committee and demand that the house shall take action."

"It is open to Dr. Reid, if he believes perjury has been committed to lay an information or to state after the adjournment of the committee that he believes a particular witness has perjured himself and thus take the chance of libel. So far as I have observed, and I have seen the proceedings closely, I have seen no evidence of any witness having committed perjury in this case."

Dr. Reid—Dr. Reid is not a lawyer, but any one who has had experience as a lawyer knows that witnesses often differ in their recollection and their observations. It is a terrible thing to Dr. Reid to stand up here, railing himself of his protection against libel as a member of parliament, and while in this case committed perjury, while at the same time he does not name the witness whom he believes to be guilty."

Dr. Reid—"Well I believe there has been perjury committed and there are others who believe the same thing. I do not intend to list the matter drop."

A motion that the committee adjourn was interrupted at this stage. Then turning to Dr. Reid, Mr. Carroll said, "Now, Sir, the committee is adjourned, and you are not protected against libel. Practically all of the witnesses who have given evidence are in the room. I challenge you to name which of them have committed perjury."

Dr. Reid made no answer and after waiting a moment Mr. Carroll said, "Sir, you are a coward. You dare not name the man."

At this point attention was called to the fact that the motion to adjourn had not been formally carried. A short discussion followed relative to the necessity for a meeting of the committee in the evening. While this was going on Dr. Reid left the room.

Cross-examining Dr. Pugsley said the offer from Messrs. Logie to purchase the wharf back from the government for \$5,000. Mr. Crockett asked: "Did you ever know, as a business man or as a member of the government either in N. B. or here, of such a proposition as that?"

Dr. Pugsley—"I think it is a very reasonable proposition for this reason, you see he makes there an offer for the property of \$5,000. . . and I take it for granted that they want this property as a business proposition, and I think that is true, because, if Mr. Murray stated what is true, they requested him twice to withdraw the offer; he had given the government and stated that they would give him money for it."

"The fact was elicited that Dr. Pugsley did not see Messrs. Logie when he visited Richibucto. He, who, it has been reported that the minister and the engineer and Messrs. Logie had after consultation Dr. Pugsley's advice, by telegram for dredging at Richibucto."

In answer to a question as to whether he had ever seen the Minister of Public Works said he had, he knew a good deal about the value

# SPECIAL CLEARANCE

## Of Our Best Ladies' Tailored Coats

TUESDAY, WEDNESDAY AND THURSDAY, JANUARY 25th, 26th and 27th.

We announce for Tuesday, Wednesday and Thursday a special sale of our best tailored separate cloth coats. These coats embody some of the finest examples of mainly tailoring have in our store. They were made in Canada after models from New York. On the above days we will sell them at a figure which means quite a saving on the cheapest of them at a clear economy of 35 per cent. to 50 per cent. on those which will reward the first comers.

	Regular Sale	Price
1 Fancy tweed coat, full length in brown shade finished with belt and brown satin buttons, skirt pleated back. . . . .	\$16.50	\$8.50
Full length tweed coat in fancy striped brown finished with long roll collar of velvet, skirt of coat pleated with strapping body lined. . . . .	22.00	13.00
Very fashionable full length tweed coat in dark green and brown in broad stripe effect, long roll collar of brown velvet, pleated and buttons. . . . .	20.00	12.00
2 Very smart long coats in navy blue and black heaver, semi-fitted back with standing collar and large revers, neatly trimmed with fancy silk buttons. . . . .	18.00	11.50
1 Very dressy and serviceable full length coat in best quality of black, heavy, semi-fitted back, finished with storm collar of velvet, back finished in pleated effect. . . . .	22.00	12.00

**LADIES' TAILOR-MADE SUITS**  
2 Finely tailored long coats of finest quality heaver, close-fitted back, finished with velvet collar and buttons. Body lined.  
**FOUR ONLY Ladies' Tailor Made Suits** in odd sizes in the most fashionable designs and colorings from our winter stock. The original price of these suits \$20, to be closed out at \$6 each.  
**January Fur Sale** now on with reductions of 25 per cent. to 50 per cent. off regular prices.

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**P. E. ISLAND SPORTS**  
The Ballade of Pets  
Some have a Persian cat, Watchful the long days through, Others have a spaniel fat Or a parrot of vivid hue; Ours is a pet more true, Faithful, tried to the core, Adhesive as gum or glue, Fido, the Wolf at the Door.

There on the outer mat, Watchful the long days through, Dare him with this or that Still he commends the view. For exercise this his due, To follow to shop or store, With warning growl or two—Fido, the Wolf at the Door.

True to his habitat (Watch him the van pursue), He follows to house or flat To take up his post due, Other pets age, and few Live to achieve three score; Long ere well woe or two—Fido, the Wolf at the Door.

L'Envoite, Callers, this word for you, Step lightly, your hosts improve, Lest you trample on old Fido, the Wolf at the Door.

The Rev. A. B. Cohen will be the speaker at the Thorne Lodge Gorse Temperance meeting to-morrow afternoon at four o'clock in the Haymarket Square. There will be special music.

Changeable satin is one of the very latest materials, and is wonderfully beautiful.

Hon. Mr. Pugsley said he wanted to go on the stand and be examined by Mr. Carroll. The Minister of Public Works stated that in view of the statement that had been made by Mr. Reid that Messrs. A. and B. Logie had expressed their willingness to offer \$5,000 for the sawdust wharf, he had asked that Mr. Logie be subpoenaed to give evidence. A physician had testified that Mr. Logie was unable to attend, and yesterday the department received a letter from A. and B. Logie offering to purchase the wharf for \$5,000 and enclosing a marked check on the Bank of Montreal for the amount. The offer was to remain open for thirty days. Mr. Pugsley said the offer was purely voluntary, there having been no communication with Messrs. Logie in regard to the subject. As Minister of Public Works he proposed to make a counter proposition to Messrs. Logie to retain for the government a sufficient part of the property to enable the extension of the wharf to the railway and to reserve the remainder to Messrs. Logie at the rate of \$5,000. If that proposition was refused he did not propose to dispose of the wharf.

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